APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,724	07/15/2003	Paul E. Bender	990456B1	9059

23696   7590   01/07/2010
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EXAMINER
DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
01/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 October 2009</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-22</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 are pending.

Response to Arguments

2. Applicant's arguments filed 10/27/2009 have been fully considered but they are
   not persuasive.

3. The applicant argues with respect to claim 1 that Gwon fails to teach or suggest
   "means for providing a location of session information for a current data
   communication session, wherein the location of session information identifies a
   storage location external to the access terminal."

4. The examiner disagrees and notes the arguments amount to a general allegation
   that the claims define a patentable invention without specifically pointing out how
   the language of the claims patentably distinguishes them from the references.
   That is, the arguments do not have any specifics as to why Gwon fails to disclose
   the claimed limitations.

   Therefore, the examiner maintains Gwon discloses session information
   identification means for providing a location of session information for a current
   data communication session, wherein the location information identifies a storage
   location external to the access terminal ([0064], lines 1-11, during Post-MIT
   operation, when the mobile node (access terminal) moves from oFA [old Foreign

Agent] to nFA [new Foreign agent], the node sends a Hreg(m) to the nFA that

contains the IP address of the oFA (location of session information), from which

the nFA retrieves information to form the tunnel).

5. The applicant argues with respect to claim 12 that Eyuboglu fails to teach or

suggest, "storing session information for the first communication session in a first

location; determining a session information IP address to the first location; and

assigning the session information IP address to a mobile station identifier."

6. and notes the arguments amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the

claims patentably distinguishes them from the references. That is, the

arguments do not have any specifics as to why Eyuboglu fails to disclose the

claimed limitations.

Therefore, the examiner maintains Eyuboglu discloses assigning the session

information IP address to a mobile station identifier for an access terminal

participant to the first communication session ([0051], lines 1-10, RNC's IP

address reads on "session information IP address" and that is part of UATI, i.e.

the "mobile station identifier, see [0033]-[0034] for UATI assignment).

7.   Lastly, the applicant argues with respect to claims 1 and 12, that Leung fails to
     disclose, "an element comprising the storage location assigns the location of
     session information as an access terminal identifier." Specifically, the applicant
     alleges that Leung is directed to methods for assigning an IP address to a mobile
     node during registration and after Leung's registration a table is updated with a
     mapping of the mobile node ID to the IP address. The applicant further contends,
     there is no mention in Leung of assigning the location of session information as
     an access terminal identifier. Concluding, in Leung, both the access terminal ID
     and the assigned IP address are used in conjunction, and the IP address is not
     used in lieu of the access terminal ID, and therefore is not "assigned as an
     access terminal identifier".

8.   The examiner disagrees. Firstly, in response the applicant's contention that
     Leung's IP address "is not used *in lieu of* the access terminal ID, and therefore is
     not 'assigned as an access terminal identifier'"; the examiner notes although the
     claims are interpreted in light of the specification, limitations from the
     specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181,
     26 USPQ2d 1057 (Fed. Cir. 1993). That is, nothing explicitly recited in the claims
     would suggest to one of ordinary skill in the art that the claimed invention
     includes an IP address (or some other identifier) that is used *in lieu of* an access
     terminal ID.

Furthermore, Leung discloses an element comprising a storage location of session information assigns the location of session information as an access terminal identifier (column 5, lines 7-15, home agent (element) assigns IP address to mobile node as an access terminal identifier; home agent stores information related to the mobile node sessions arranged by IP address and mobile node ID (column 5, line 66-column 6, line 2 and Fig. 5, "mobility binding table" reads on session information)). That is, "the location of session information" is the IP address and mobile node ID entries of the mobility binding table (Fig. 5), since the table is indexed by them. Further, the IP address is used as an access terminal identifier for any mobile node on the network.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gwon et al (US Pub. 2003/0104814 A1), hereafter "Gwon," in view of Leung (US Pat. 6,501,746).

11. As to claim 1, Gwon discloses an access terminal (Fig. 4a, 401, a mobile node),

comprising:

transceiver means adapted for high rate packet data communications

(inherent in [0039], lines 7-11) ;

session information identification means for providing a location of session

information for a current data communication session, wherein the location

information identifies a storage location external to the access terminal ([0064],

lines 1-11, during Post-MIT operation, when the mobile node (access terminal)

moves from oFA [old Foreign Agent] to nFA [new Foreign agent], the node

sends a Hreg(m) to the nFA that contains the IP address of the oFA (location of

session information), from which the nFA retrieves information to form the

tunnel).

But, Gwon does not disclose an element comprising the storage location

assigns the location of session information as an access terminal identifier.

However, Leung discloses an element comprising a storage location of

session information assigns the location of session information as an access

terminal identifier (column 5, lines 7-15, home agent (element) assigns IP

address to mobile node as an access terminal identifier; home agent stores

information related to the mobile node sessions arranged by IP address and

mobile node ID (column 5, line 66-column 6, line 2 and Fig. 5, "mobility binding table" reads on session information)).

Therefore it would have been obvious to one of ordinary skill at the time of the invention to combine the teachings of Gwon and Leung because both Leung and Gwon disclose systems related to the management of mobile nodes and the combination would yield a system with more efficient means to arrange and store session information.

12. As to claim 2, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the location of the session information is identified by a first Internet Protocol (IP) address ([0064], lines 2-7).

13. As to claim 3, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the transceiver means is further adapted to receive the location of session information and provide the location of the session information to the session information identification means (inherent in Gwon, [0064], lines 1-11, as the mobile node is communicating with the nFA with the wireless IP network).

14. As to claim 4, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the session information identification means comprises:

session information determination means adapted to receive the location of the session information (inherent in Gwon, [0064], lines 1-11, as the mobile node is communicating with the nFA with the wireless IP network and therefore is constantly receiving the location of the node's session information).

an access terminal identifier generator, wherein the access terminal identifier generator uses the location of session information as an access terminal identifier (Leung, column 5, line 66-column 6, line 2 and Fig. 5, "mobility binding table" reads on session information).

15. As to claim 5, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose providing a pointer to the location of session information (Leung, column 5, line 66-column 6, line 2 and Fig. 5).

16. As to claim 6, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose providing an initial random identifier prior to receiving the location of the session information (Leung, column 5, line 66-column 6, line 2 and Fig. 5).

17. As to claim 7, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose a processor adapted to initiate an access request, wherein the access request initiates a session (Gwon, [0045], lines 9-12).

18. As to claim 8, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose providing a compressed version of the location of session information (Gwon, [0064], lines 3-7).

19. As to claim 9, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the location of session information is identified by an Internet Protocol (IP) address wherein the IP address is constructed using the compressed version of the location (Leung, column 5, line 66-column 6, line 2 and Fig. 5).

20. As to claim 10, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the mobile station identifier generator provides a portion of the IP address as a mobile station identifier (Leung, column 5, line 66-column 6, line 2 and Fig. 5).

21. As to claim 11, Gwon and Leung disclose the invention substantially in regard to the parent claims, and further disclose the portion of the IP address is locally

unique within a current portion of a communication system (Leung, column 5, line 66-column 6, line 2 and Fig. 5).

22. Claims 12, 15, 16, 18, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Eyuboglu et al (US Pub. 2002/0196749 A1), hereafter "Eyuboglu," in view of Leung.

23. As to claim 12, Eyuboglu discloses a method for a communication session in a wireless communication system supporting Internet Protocol (IP) communications (Abstract), the method comprising:

receiving a request for a first communication session([0033], when the access terminal sends a RATI it acts as a request for a UATI);

establishing the first communication session ([0034], lines 1-7);

storing session information for the first communication session in a first location ([0036], lines 1-4);

determining a session information IP address to the first location ([0051], lines 1-10, by utilizing the UATI extracted from the AT's packet, the serving RNC is identified (which stores mobility information (session information) as disclosed in [0036], lines 1-4); and

assigning the session information IP address to a mobile station identifier for an access terminal participant to the first communication session ([0051], lines 1-10).

But, Eyuboglu does not disclose an element comprising the first location assigns the location of session information as an access terminal identifier.

However, Leung discloses an element comprising a storage location of session information assigns the location of session information as an access terminal identifier (column 5, lines 7-15, home agent (element) assigns IP address to mobile node as an access terminal identifier; home agent stores information related to the mobile node sessions arranged by IP address and mobile node ID (column 5, line 66-column 6, line 2 and Fig. 5, "mobility binding table" reads on session information).

Therefore it would have been obvious to one of ordinary skill at the time of the invention to combine the teachings of Eyuboglu and Leung because both Leung and Eyuboglu disclose systems related to the management of mobile nodes and the combination would yield a system with more efficient means to arrange and store session information.

24. As to claim 15, it is rejected by the same rationale set forth in claim 12's rejection.

25. As to claim 16, Eyuboglu discloses a method for a communication session in a

wireless communication system supporting Internet Protocol (IP)

communications, the method comprising:

receiving a message from an access terminal, the message including a

mobile station identifier ([0033], lines 1-2);

extracting a session information IP address from the mobile station identifier

([0051], lines 1-10, by utilizing the UATI extracted from the AT's packet, the

serving RNC is identified (which stores mobility information (session information)

as disclosed in [0036], lines 1-4));

requesting session information using the session information IP address

([0074], a session transfer occurs and inherently will include the IP address of the

previous serving RNC since communication is occurring in an IP network);

receiving the session information ([0074], lines 8-10); and

processing the communication session with the access terminal([0074]).

But, Eyuboglu does not disclose an element comprising the first location

assigns the location of session information as an access terminal identifier.

However, Leung discloses an element comprising a storage location of

session information assigns the location of session information as an access

terminal identifier (column 5, lines 7-15, home agent (element) assigns IP

address to mobile node as an access terminal identifier; home agent stores

information related to the mobile node sessions arranged by IP address and

mobile node ID (column 5, line 66-column 6, line 2 and Fig. 5, "mobility binding

table" reads on session information).

Therefore it would have been obvious to one of ordinary skill at the time of the

invention to combine the teachings of Eyuboglu and Leung because both Leung

and Eyuboglu disclose systems related to the management of mobile nodes and

the combination would yield a system with more efficient means to arrange and

store session information.

26. As to claim 18, it is rejected by the same rationale set forth in claim 16's

rejection.

27. As to claim 21, Eyuboglu and Leung disclose the invention substantially in

regard to the parent claim, and further disclose a session holder in a wireless

communication system supporting Internet Protocol (IP) communications, the

session holder being assigned an IP address (Eyuboglu, [0036], lines 1-4, the

serving RNC reads on "a session holder"), the session holder comprising:

receiver for receiving a request message, the request message having a

destination portion identifying the element (Eyuboglu, [0074], lines 3-10, the

serving RNC receives request for "a session transfer" and responds);

memory storage unit for storing session information for a first session (Eyuboglu, inherent in [0036], lines 1-4);

transmitter for sending a response to the request message, the response including at least a portion of the session information for the first session (Eyuboglu, [0074], lines 3-10).

28. As to claim 22, Eyuboglu and Leung disclose the invention substantially in regard to the parent claim, and further discloses an infrastructure element in a wireless communication system supporting Internet Protocol (IP) communications, the element having an IP address (Eyuboglu, [0030], an RN (radio node) reads on "the element"), the element comprising:

receiver for receiving a communication from an access terminal (Eyuboglu, [0030]), the communication including a mobile station identifier (Eyuboglu, [0033]);

processor coupled to the receiver, the processor determining a session holder IP address from the mobile station identifier (Eyuboglu, [0051], lines 1-10, the serving RNC reads on "a session holder"); and

means for sending an IP request for session information of the communication with the access terminal, wherein the IP request uses the session holder IP address as a destination address (Eyuboglu, [0051], lines 4-12).

29. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu and Leung, as applied to claim 12, in view of Ray et al (US Pub. No. 2003/0135626), hereafter "Ray."

30. As to claim 13, Eyuboglu and Leung do not disclose that the mobile station identifier includes a color code corresponding to a portion of the wireless communication system.

    However, Ray discloses that a mobile station identifier includes a color code corresponding to a portion of the wireless communication system ([0029], lines 1-6).

    Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings Eyuboglu and Ray in order to allow Eyuboglu's system to work with common wireless communication systems, which include color codes.

31. As to claim 14, Ray discloses the color code is a compressed version of a sector identification value ([0029], lines 1-6).

32. Claims 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu and Leung, as applied to claims 16 and 18, in view of Kato et al (US Pub. No. 2002/0078226 A1), hereafter "Kato."

33. As to claim 17 and 19, Eyuboglu and Leung do not disclose mapping the session information IP address to a full IP address and generating an IP packet using the full IP address.

However, Kato discloses mapping an IP address ([0067], lines 1-4, IP address is added to the datagram and then IP address is compressed) and generating an IP packet using the full IP address ([0067], lines 1-4, the datagram is an IP packet and compression was done after the IP address was inserted into the datagram).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Eyuboglu, Leung, and Kato in order to save bandwidth by compressing the IP address before transmission.

34. As to claim 20, Kato discloses the compressed value is locally unique within a portion of the wireless communication system ([0045]).

Conclusion

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

37. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas J. Dailey whose telephone number is

571-270-1246. The examiner can normally be reached on Monday thru Friday;

9:00am - 5:00pm.

38. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone

number for the organization where this application or proceeding is assigned is

571-273-8300.

39. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./
Examiner, Art Unit 2452

/THU NGUYEN/
Supervisory Patent Examiner, Art Unit 2452